

# **FISCAL NOTE**

## **SB 3216 - HB 3224**

March 18, 1998

**SUMMARY OF BILL:** Provides that fourth and subsequent convictions for DUI are classified as Class E felonies. Punishment would be a fine between \$3,000 and \$15,000; confinement between 270 days and the maximum authorized for the appropriate range of a Class E felony; and driver license revocation of 5 years. At least one of the DUI violations must occur on or after July 1, 1998. Current law states that third and subsequent convictions are misdemeanors with a fine between \$1,100 and \$10,000; confinement between 120 days and 11 months and 29 days, and driver license revocation between 3 and 10 years. Provides that a driver must submit to a test to determine the alcohol or drug content of such driver's blood, if an officer has reasonable cause to believe the person has committed a DUI, Vehicular Assault, Vehicular Homicide, or Aggravated Vehicular Homicide violation involving an accident with injury or death to another person. The results of the test would be admissible in court. Current law provides that the person must consent to such test.

### **ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures - \$4,264,000\***  
**Increase State Revenues - \$846,000**  
**Decrease Local Govt. Expenditures - \$1,895,000**  
**Decrease Local Govt. Revenues - Exceeds \$310,000**

#### **Assumes:**

an increase in state expenditures for confining approximately 376 fourth and subsequent offenders a minimum of 270 days at an average cost of \$42 per day.

an increase in state revenues from fines collected from approximately 376 convicted of fourth and subsequent offenses at a minimum of \$3,000 per offender. Assumes a 75% fine collection rate.

a decrease in local government expenditures to confine approximately 376 fewer individuals previously convicted as a misdemeanor and serving a minimum of 120 days at an average cost of \$42 per day.

a decrease in local government revenues from fines collected from approximately 376 fewer misdemeanor convictions at a minimum of \$1,100 per offender. Assumes a 75% fine collection rate.

*\*Section 9-6-119, TCA, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law.*

### **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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